

CITY BOARD OF ZONING APPEAL #05003

DATE: March 17, 2005

DATE SCHEDULED FOR PUBLIC HEARING: March 25, 2005

LOCATION: North of Pioneers Boulevard and west of S. 33rd Street.

ADDRESS: 4211 S 33rd Street.

LEGAL DESCRIPTION: See attached.

APPLICANT: Dan Rudolf
5931 S. 58th Street
(402) 423-2394 Extension 137
(402) 440-8222

Vivian Smith, ET AL
PO Box 410485
Melbourne, FL 32941

LOT AREA: 1.3 acres, more or less.

ZONING: B-1, Local Business

EXISTING LAND USE: Commercial/Retail.

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-1
South:	Commercial/Retail	B-1
East:	Commercial/Retail	B-1
West:	Residential	R-1

TYPE OF APPEAL:

THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO A VARIANCE.

Section 27.29.080(a), L.M.C. requires a rear yard setback of 30 feet. A variance from 30' to 20' is requested.

STAFF FINDINGS:

1. This is a request to reduce the rear yard setback to add a 55'x55' addition on the south end of the strip mall. The existing Dairy Queen building is proposed for demolition.
2. The property was zoned to G in 1955. The existing building was built in 1970.

The existing zoning district in 1970 was G, Local Business District. The 1969 Zoning Ordinance indicated that the rear yard setback for the G district was 20' when abutting a dwelling district. Most of the residences to the west of this property were built in the early 1960's. In 1979 the zoning districts were updated and the G district became the B-1 district. Setback requirements changed when the Zoning Ordinance was updated.

3. The applicant indicated they would like to maintain the rear line of the existing building to allow safer traffic flow and parking layout.
4. Public Works and Utilities Department and the Building and Safety Department is concerned that even if the requested variance is approved, that parking would be deficient.
5. The lot is typical of other lots with no drastic grade changes nor an atypical lot configuration.
6. It appears that the proposed addition may be too large for the site given that the design does not permit a safe traffic flow and potentially does not provide adequate parking.
7. The Board of Zoning Appeals is empowered to grant variances "to the extent necessary to permit the owner a reasonable use of the land in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned."
8. If this appeal were not granted, an expansion could be added provided the rear yard setback is preserved and adequate parking is provided.

Prepared by

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Planner



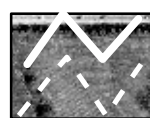
2002 aerial

Board of Zoning Appeals #05003 4211 S. 33rd St.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 6 T9N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction

